

## **Jean-Jacques Rousseau (1712-1778) and the Theory of the Social Contract**

Wolff's definition of the State, "whoever makes the laws, gives the commands, and enforces them on everyone living within" a certain area. Or

"a group of people who claim the right to enforce obedience to their commands within a territory and succeed in getting most of the people in the territory to accept that claim."

Two characteristics of a State:

1. States exercise some kind of force or the threat of force to get their subjects to obey.
2. States claim they have the right to be obeyed; they claim that they are legitimate.

### **Philosophical Questions:**

When is the claim of the right to rule valid, or, why should one accept the state's claim of the right to rule?

## **Can one be free while at the same time submitting to the laws of a legitimate state?**

Rousseau's "Social Contract" (or "social compact") "claims that the state formed on the basis of the social contract is legitimate: that is, it can demand compliance from its citizens to its laws since they have voluntarily agreed to obey them as part of the contract."

Also, "the state legitimately demands compliance because the citizens receive certain benefits from being party to the contract, and hence the citizens must carry out their end of the bargain."

Issue of autonomy: "When you and others freely submit to being ruled by the state, you are claiming that your will is now the same as the commonweal and when you obey the state, you are, in fact, acting in conformity with your own will."

## **Problems with the Social Contract:**

1. How can everyone participate in the making of the laws?
2. How can laws be made when there is disagreement about what the laws should be?

Answer to #1 – keep it small

Answer to #2 – assumption that the general will is correct.

## **Criticisms of the Social Contract:**

1. With the exception of the U.S., no other societies have actually come into being in the way that Rousseau's theory states.
2. The Social contract would not seem to be binding on those future members of society who were not a party to the original contract.

Answer to #2. John Locke's "tacit consent".